

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

**CEDRIC D. WHITESIDE a/k/a  
MALCOLM WHITESIDE,**

**Plaintiff,**

**v.**

**DAVID WOOLFORK, Sheriff, et al.,**

**Defendants.**

**NO. 04-1220 T/An**

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**ORDER DENYING MOTION FOR ORAL ARGUMENT AND TO COMPEL**

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Before the Court is Plaintiff's Motion for Oral Argument and to Compel responses to Plaintiff's Second Request for Production of Documents filed on October 6, 2005. After review, the Court concludes that Plaintiff failed to meet the requirement for consulting with opposing counsel before seeking Court intervention as required by Local Rule 7.2(a)(1)(B) of the Local Rules of the United States District Court for the Western District of Tennessee just as he failed to do in his previously filed Motion to Compel. Local Rule 7.2(a)(1)(B) provides:

Consultation by Counsel. All motions, including discovery motions, but not including motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a certificate of counsel (with one copy) affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion. Failure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion.

The certificate must contain the names of participating counsel and the date and manner of consultation. The burden will be on counsel filing the motion to initiate the conference upon giving reasonable notice of the time, place and specific nature of the conference. If an opposing counsel or party refuses to cooperate in the conduct of a conference, counsel must file certificate to that effect, setting out counsel's efforts to comply with this rule.

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THE HONORABLE  
CLERK U.S. DISTRICT COURT  
W.D. OF TN, JACKSON

Therefore, because it appears Plaintiff did not make an attempt to consult with Defendants' counsel, as required by the Local Rules, the instant motion is **DENIED** without prejudice. Plaintiff is again advised that he must make an attempt to resolve discovery disputes with opposing counsel, either orally or in writing, before he seeks Court intervention.

**IT IS SO ORDERED.**

  
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S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

Date: November 10, 2005



## Notice of Distribution

This notice confirms a copy of the document docketed as number 38 in case 1:04-CV-01220 was distributed by fax, mail, or direct printing on November 17, 2005 to the parties listed.

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Honorable James Todd  
US DISTRICT COURT